

REMARKS

Claims 9-18 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration.

The Examiner objected to the drawing because of various reasons. Applicant has amended the drawing to address each of the points raised in the objection, except for the requirement made by the Examiner to label the drawing Figure 1. Applicant has instead addressed this issue by removing the "Fig." label, since in applications that include only a single drawing, that single drawing is not to be labeled as Figure 1. As stated in Rule 1.83(u)(1), "[w]here only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear." Accordingly, in view of this amendment and discussion, withdrawal of this objection is respectfully requested.

Claims 9-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,115,367 to Archambaud et al. ("Archambaud"). Applicant submits that Archambaud is not directed to a broadcast receiver for receiving radio data signals (RDS). Furthermore, Archambaud also does not describe any ascertainment of a radio data system error rate. The "RSSI" named relied on in the Office Action for this feature of the claims is defined in "Archambaud" as radio signal strength indication (column 5, lines 25-28). However, the radio signal strength says nothing about a data error rate of any signal, much less that of a radio data system; RSSI refers instead only to the field strength at which the signal is received. Consequently, the RSSI in "Archambaud" is not comparable to the data error rate recited in the claims. Thus, one must suppose that Archambaud, when compared to the claimed invention, has no relationship to broadcast receiving systems, and furthermore, that in Archambaud no hint is to be found particularly on the switching criterion of the claimed invention, namely, the data error rate of the RDS signal.

Accordingly, withdrawal of the rejection based on Archambaud is respectfully requested.

It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,

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Amendments to the Drawing:

Applicant has removed the label of Fig. from the drawing to conform the drawing to United States Patent Office practice. Applicant has also labeled the blocks in the drawing. A replacement sheet is attached.